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**HUMAN GENOME SCIENCES
LEGAL DEPARTMENT**

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FAX COVER SHEET

DATE: May 13, 2004

TOTAL NUMBER OF PAGES: 9

TO: **Examiner R. Swartz - Art Unit 1645**
United States Patent & Trademark Office

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FROM: Mark J. Hyman (Reg. No. 46,789)

RE: App. No. 09/830,228
Application of: Fraser et al.

Atty. Docket No. PB370US
Filed: September 13, 2002

**The following documents were filed by Human Genome Sciences, Inc.
via facsimile on May 13, 2004:**

1. Fax Cover Sheet
2. Fcc Transmittal Sheet
3. Provisional Election Under 37 C.F.R. § 1.143 With Traverse And
Amendment Under 37 C.F.R. § 1.111
4. Certificate of Transmission Under 37 C.F.R. § 1.8

If you experience any difficulty receiving this transmission,
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PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **0.00****Complete if Known**

Application Number	09/830,228-Conf. #3255
Filing Date	September 13, 2002
First Named Inventor	Claire M. Fraser
Examiner Name	R. P. Swartz
Art Unit	1645
Attorney Docket No.	PB370US

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

08-3425

Deposit Account Name

Human Genome Sciences, Inc.

The Director is authorized to (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) **0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
20	21**	0	0.00
Independent Claims	2	11	0.00
Multiple Dependent			

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	06	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claims, if not paid
1204	80	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **0.00**

** or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	820*	1804	920*	Requesting publication of SIR prior to examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1507	480	2507	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1400	130	1400	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (limits number of properties)	
1809	770	2009	385	Filing a submission after final rejection (37 CFR 1.121(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1001	770	2801	385	Request for Continued Examination (RCE)	
1807	900	1807	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **0.00****SUBMITTED BY**

Name (Print/Type) Mark J. Hyman

Registration No. (Attorney/Agent)

46,789

(Complete if applicable)

Telephone (240) 314-1224

Signature

[Signature]

Date

May 13, 2004

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VIA FACSIMILE MAY 13, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED
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MAY 13 2004

In re Patent Application of
Fraser et al.

Docket No.: PB370US

Application No.: 09/830,228

Confirmation No.: 3255

Filed: September 13, 2002

Art Unit: 1645

For: Borrelia burgdorferi Polynucleotides and
Sequences

Examiner: R. P. Swartz

**PROVISIONAL ELECTION UNDER 37 C.F.R. § 1.143 WITH TRAVERSE AND
AMENDMENT UNDER 37 C.F.R. § 1.111**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir

In response to the Office Action mailed April 13, 2004, please consider the following amendments, traversal, provisional election, and remarks. Applicants respectfully request that the Examiner enter the following amendments prior to examination of the captioned application. Applicants submit a Fee Transmittal Sheet concurrently herewith.

Applicants respectfully request the entry of the following amendments: